

REMARKS/ARGUMENTS

Claim 1 through 17 are pending in the present application. Claims 1, 4 through 12 and 14 through 17 are amended. Claim 2 is canceled.

In the Office Action, claims 1, 5 through 9, 11 through 12 and 14 through 16 were rejected under 35 U.S.C.112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The Office Action further states that it is unclear whether the reference numbers contained in the claims are intended to specifically limit the claim or provide general reference for illustration purposes. The reference numbers were not intended in any way to limit the claimed subject. Accordingly, in claims 1, 4 through 12 and 14 through 17, the reference numbers have been deleted. Reconsideration and withdrawal of the section 35 U.S.C. 112, second paragraph, rejections are respectfully requested.

In the Office Action, claims 2, 3 and 13 have been rejected under 35 U.S.C. 112, second paragraph, as being dependent on a rejected base claim. The rejection of claim 2 is moot because claim 2 has been deleted. Independent claims 1 and 11, from which claims 3 and 13 depend, respectively, have been amended to delete the reference numbers. According, reconsideration and withdrawal of the section 35 U.S.C. 112, second paragraph, rejections are respectfully requested.

In the Office Action, claims 1, 3, 6, 8 through 13 and 15 through 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,058,383 to Narasimhalu et al. (hereinafter "the Narasimhalu et al. patent") in view of U.S. Patent No. 5,892,904 to Atkinson et al. (hereinafter "the Atkinson et al. patent").

Applicants respectfully submit that the Narasimhalu et al. patent in view of the Atkinson et al. patent does not disclose all of the elements set forth in independent claims 1, 9 through 11, 16 and 17. Thus, the Narasimhalu et al. patent in view of the Atkinson et al. patent does not make obvious independent claims 1, 9 through 11, 16 and 17 or any of the claims that depend therefrom.

Independent claim 1 now provides for a method for use in a virus-free certificate authority of generating a virus-free certificate certifying that a file is virus free. The method now includes, *inter alia*, receiving a virus-free certificate request for a file from a system, the virus-free certificate request comprising a list of one or a plurality of anti-virus programs to be executed on the file by the certificate authority to determine whether the file is virus-free or not; determining if the file is virus-free or not; if the file is declared virus-free by the virus-free certificate authority: generating a virus-free certificate comprising a file signature for certifying that the file is declared virus-free by the virus-free certificate authority; and a sending back in response to the virus-free certificate request the virus-free certificate.

The Narasimhalu et al. patent is directed to a computationally efficient method for trusted and dynamic dissemination of digital objects. The Office Action states that the Narasimhalu et al. patent discloses a request for a certificate for an object is made by an information provider to a certification authority and that the certifying authority is responsible for certifying objects meeting the defined trust criteria and that the certifying authority generates and sends a certificate back to the requesting information provider (page 3).

The Atkinson et al. patent is directed to a certification or signing method that ensures the authenticity and integrity of a computer program, an executable file, or code received over a computer network. The Office Action states that the Atkinson et al. patent discloses that in order to transfer a file over a communications network with confidence the file is signed to form a file

signature. The Office Action offers that it would have been obvious to have combined the two references in order to achieve a design that is capable of allowing the virus-free certificate to contain a file signature for the purposes of further reducing the risk that files become corrupt during transit.

This combination of references does not disclose every element of claim 1. Claim 1 claims that the virus-free certificate request comprise a list of one or a plurality of anti-virus programs to be executed on the file by the certificate authority to determine whether the file is virus free or not. The Narasimhalu et al. patent only discloses that the information service provider agrees to a certification service contract an that the information provider registers itself to the certification authority (column 5, lines 10 through 40). The Atkinson et al. patent does not remedy this deficiency by disclosing the claimed subject matter that the Narasimhalu et al. patent lacks. The claimed subject matter would ensure that the file is not only virus-free, but also with which software the file has been verified and with which level of software the file has been checked. The claimed Narasimhalu et al. patent allows for a hacker to present himself for herself as the information provider. A valid certificate from a hacker is not a trusted certificate even if the certificate is fully valid. Such a certificate would only reveal that the file is virus-free; however, that is not enough information for proper security.

Accordingly, independent claim 1 is not made obvious by the combination of cited references. Dependent claims 3, 6 and 8, which depend from independent claim 1, are also not obvious for the same reasons discussed above with respect to independent claim 1. As such, reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection is respectfully requested.

Independent claim 9 now provides for a system implementing a virus-free certificate authority comprising a processor that executes a program having steps including, *inter alia*, receiving a virus-free certificate request for a file from a system, the virus-free certificate request comprising a list of one or a plurality of

anti-virus programs to be executed on the file by the certificate authority to determine whether the file is virus-free or not; determining if the file is virus-free or not; if the file is declared virus-free by the virus-free certificate authority; generating a virus-free certificate comprising a file signature for certifying that the file is declared virus-free by the virus-free certificate authority; and a sending back in response to the virus-free certificate request the virus-free certificate.

Similarly, independent claim 10 now provides for a computer program recorded on a computer-readable medium and comprising instruction for executing a method including, *inter alia*, receiving a virus-free certificate request for a file from a system, the virus-free certificate request comprising a list of one or a plurality of anti-virus programs to be executed on the file by the certificate authority to determine whether the file is virus-free or not; if the file is declared virus-free by the virus-free certificate authority; generating a virus-free certificate comprising a file signature for certifying that the file is declared virus-free by the virus-free certificate authority; and a sending back in response to the virus-free certificate request the virus-free certificate.

For the same reasons discussed above with respect to independent claim 1, independent claims 9 and 10, are also not made obvious by the combination of Narasimhalu et al. in view of Atkinson et al. Accordingly, reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection is sincerely requested.

Claim 11 now provides for a method for using a server or client system of determining that a file is virus-free including, *inter alia*, determining whether a virus-free certificate is associated with a file; if a virus-free certificate is associated with the file: authenticating the virus-free certificate, the virus-free certificate comprising a certificate signature; authenticating the file, the virus-free certificate comprising a file signature, the file signature certifying that the file has been declared virus-free by a virus-free certificate authority; and checking the

one or plurality of anti-virus programs used to build the virus-free certificate according to one or a plurality of predefined rules.

The amendment to claim 11 finds support in the priority document (first filing before the EPO), description page 17 (Step 405 entitled "Virus-free Certificate Utilization") and figure 4, step 405. As discussed with respect to independent claims 1, 9 and 10, the Narasimhalu et al. patent does not include a step of checking one or a plurality of anti-virus programs used to build the virus-free certificate according to one or a plurality of predefined rules, as claimed. The Atkinson et al. patent does not correct this deficiency. This step provides an additional level of security during the building of the virus-free certificate that is not present in either the Narasimhalu et al. patent or the Atkinson et al. patent.

Accordingly, independent claim 11 is not made obvious by the combination of cited references. Dependent claims 12, 13 and 15, which depend from independent claim 11, are also not obvious for the same reasons discussed with respect to independent claim 11. As such, reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection is respectfully requested.

Claim 16 has been amended and now provides for a system having a processor that determines that a file is virus-free, the processor executing a program for implementing a method including, *inter alia*, determining whether a virus-free certificate is associated with a file; if a virus-free certificate is associated with the file: authenticating the virus-free certificate, the virus-free certificate comprising a certificate signature; authenticating the file, the virus-free certificate comprising a file signature, the file signature certifying that the file has been declared virus-free by a virus-free certificate authority; and checking the one or plurality of anti-virus programs used to build the virus-free certificate according to one or a plurality of predefined rules.

Claim 17 has been amended and now provides for a computer program recorded on a computer-readable medium comprising instructions for executing a method including, *inter alia*, determining whether a virus-free certificate is associated with a file; if a virus-free certificate is associated with the file: authenticating the virus-free certificate; authenticating the virus-free certificate; the virus-free certificate comprising a certificate signature, authenticating the file; the virus-free certificate comprising a file signature; the file signature certifying that the file has been declared virus-free by a virus-free certificate authority; and checking the one or plurality of anti-virus programs used to build the virus-free certificate according to one or a plurality of predefined rules.

For the same reasons discussed above with respect to independent claim 11, independent claims 16 and 17, are also not made obvious by the combination of Narasimhalu et al. in view of Atkinson et al. Accordingly, reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection is respectfully requested.

In the Office Action, claims 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narasimhalu et al and Atkinson et al. as applied to claim 1 above, and further in view of the "Virus Bulliten" publication to Whalley et al. (hereinafter "the Whalley et al. publication")

Dependent claim 2 has been canceled in the present amendment and the rejection of that claim is now rendered moot.

Dependent claims 4 and 5, depend from independent claim 1.

The Whalley et al. publication is directed to an internatiaon publication on computer virus prevention, recognition and removal. The Whalley et al. publication does not correct the deficiencies associated with the Narsimhalu et al. patent in view of Atkinson et al. patent combination applied to independent claim 1. Accordingly, claims 4 and 5 are also rejected for the same reasons discussed

above. As such, reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection is respectfully requested.

In the Office Action, claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narasimhalu and Atkinson as applied to claim 1, above and further in view of U.S. Patent No. 5,745,574 to Muftic. (hereinafter "the Muftic patent").

Dependent claims 7 and 14, depend from independent claims 1 and 11, respectively.

The Muftic patent is directed to a security infrastructure for electronic transactions. The Muftic patent does not correct the deficiencies associated with the Narasimhalu et al. patent in view of Atkinson et al. patent combination applied to independent claims 1 and 11. Accordingly, claims 7 and 14 are also rejected for the same reasons discussed above. As such, reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection is respectfully requested.

Consideration and allowance of application is respectfully requested.

Respectfully submitted,



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